

# **EXHIBIT 2**

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**From:** Gibbs, J. Evan  
**Sent:** Friday, November 15, 2024 2:38 PM  
**To:** James Orioli; Colleen O'Neil; Michael Mule  
**Cc:** Nicole Koster; Hope Devito; Kadeem Harper; Gorman, Daniel E.; Adler, Matt; Kent, Paris L.; Mulry, Kevin P.; Joseph Labuda  
**Subject:** RE: SiteOne Landscape v. Giordano, et al. - Follow up from today

Mike, Colleen, and James –

It has been a full month since our hearing before Judge Locke and we have still not received a single document from Defendants. In fact, we have not even reached agreement on search terms since we have not received the modified proposed search terms from you in response to the list we first provided on October 15. We are very concerned at this point as to how Defendants can comply with the Court's discovery order given where things stand as of today.

The below outlines our meet and confer which took place on November 6, 2024. We have not heard anything from Defendants in response to the issues we discussed. Getting movement on these items expeditiously seems the only path forward. Please let us know when we can expect to receive the below.

- Defendants have been telling us since August that we could expect rolling productions of documents. You indicated last week that you planned to make a rolling production this week, which includes customer and financial information, along with formation documents. We have not yet received a production as the time of sending this message.
- Regarding the hit count report you provided to us, you stated that you would confirm which email accounts were searched and would provide us with that information. We have not heard back from you on this.
- With respect to search terms, you indicated that you would provide additional search terms/qualifiers to us for review and we can then determine whether any additional terms would be appropriate. We have not received anything from you on this point.
- Regarding communications between Vic and Nick, you stated that you do not plan to produce such communications after Nick left SiteOne. We agreed that it may be appropriate to limit this search temporally, but that your proposal is inappropriate as we need to understand the competing business, how it is being financed, whether Don is involved, among other things. We propose that, for the first round of production, the temporal scope of these communications to be October 1, 2022 to October 1, 2023, but expressly reserves the right to expand this time frame based on the communications produced.
- You requested that we provide the last date of employment for former employees of SiteOne that left to work at Scapes. While Defendants are undoubtedly in possession of this information, SiteOne believes the below dates reflect certain employees' departure dates. This is not an exhaustive list; SiteOne reserves all rights to identify additional former employees who left SiteOne to work at Scapes.
  - Dale Nash – May 8, 2023
  - Antonio Rios Garcia – February 27, 2023
  - Jose W. Rubi – May 8, 2023
  - Jorge Suarez-Flores – February 27, 2023
  - Juan Suarez-Flores – February 27, 2023
  - Michael Edwards – May 12, 2023

- David Gomez – February 20, 2023
- John Hanley – April 24, 2023
- Alek Rubino – December 7, 2023
- Charles Hampton – December 6, 2023
- Carlos Santos – February 21, 2024

Thank you.

**J. Evan Gibbs**

Partner

**troutman pepper**

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**From:** James Orioli <James@mllaborlaw.com>

**Sent:** Wednesday, November 6, 2024 1:09 PM

**To:** Gibbs, J. Evan <Evan.Gibbs@troutman.com>; Colleen O'Neil <Colleen@mllaborlaw.com>; Michael Mule <MichaelMule@mllaborlaw.com>

**Cc:** Nicole Koster <NKoster@mllaborlaw.com>; Hope Devito <hdevito@mllaborlaw.com>; Kadeem Harper <kharper@mllaborlaw.com>; Gorman, Daniel E. <Daniel.Gorman@troutman.com>; Adler, Matt <Matt.Adler@troutman.com>; Kent, Paris L. <Paris.Kent@troutman.com>; Mulry, Kevin P. <kmulry@FarrellFritz.com>; Joseph Labuda <joe@mllaborlaw.com>

**Subject:** Re: SiteOne Landscape v. Giordano, et al. - Follow up from today

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Mr. Gibbs:

On behalf of Colleen O'Neil, please see the attached hit report to be discussed during today's 3:30PM meeting.

Thank you.

Best,

James Orioli

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